REMARKS

Claims 1-27 are currently pending in the subject application and are presently under consideration. Claims 1, 3, 6, 8, 9, 10, 13, 14, 17, 20, 21 and 27 have been amended as shown on pp. 2-5 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 1, 6, 13-15, 20, 21 and 27

Claims 1, 6, 13-15, 20, 21 and 27 have been amended to overcome the objection.

II. Rejection of Claims 1-19 and 20-26 Under 35 U.S.C. §101

Claims 1-19 and 20-26 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. This rejection should be withdrawn for at least the following reasons.

Independent claims 1, 20 have been amended to recite a computer readable medium having computer executable program code embodied thereon for performing a following act and are directed towards statutory subject matter.

Claim 18 is amended to recite the computer readable medium of claim 1 to be embodied within a device. A device represents computer system hardware and is statutory subject matter.

In the view of the foregoing it is respectfully requested that this rejection be withdrawn.

III. Rejection of Claims 3, 8, 9 and 17 Under 35 U.S.C §112

Claims 3, 8, 9 and 17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, 8, 9 and 17 have been amended to overcome the rejection. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 1-14, 17-21 and 27 Under 35 U.S.C. §102(e)

Claims 1-14, 17-21 and 27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bigus *et al.* (US 2004/0083454). This rejection should be withdrawn for at least the following

reasons. Bigus *et al.* does not disclose or suggest each and every aspect set forth in the subject claims.

> A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim***. *Trintec Industries, Inc. v. Top-U.S.A. Corp.,* 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim***. *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed subject matter relates to a rules definition language (RDL) that includes statements that facilitate efficient use of computer resources by allowing a rule to be broken down into one or more instructions which can be executed out-of-order. In particular, independent claims 1, 20 and 27 recite a computer executable program comprising statements for composing a rule such that ***the rule can be decomposed into a subset of instructions that are processed asynchronously*** to facilitate at least one of testing assertions, enforcing constraints using runtime information, making inferences, performing correlation, or communicating results of dynamic tests to other components. Bigus *et al.* does not teach or suggest these novel aspects.

Bigus *et al.* relates to a rule-based programming language comprising a single rule language supporting a plurality or rulesets, an object-oriented framework that compiles the rulesets into a collection of framework objects and one or more pluggable inference engines for processing the collection of framework objects. Each framework object is a rule block comprising rules, wherein the ruleblock specifies an inference engine and each rule is a declarative statement. In particular, the rule-based language is a collection of declarative and procedural statements that cane be actively interpreted or processed by an inference engine. These statements, however, are executed as a whole such that an engine would employ computer resources to evaluate an entire statement before attempting to evaluate the next statement. Bigus *et al.* is silent with regard to decomposition of each statement in a rule into a number of smaller instructions and further does not teach or suggest out-of-order execution of the instructions obtained.

Applicants' subject specification, in contrast, discloses a rules definition language that allows each rule to be broken down into a number of instructions that can be executed

asynchronously. A rules engine is employed for efficient asynchronous processing of each instruction such that system resources are not over burdened. Thus a complex rule can be decomposed into simpler instructions that can be executed out-of-order and can pass messages to each other as they complete pieces of the rule. Furthermore, a plurality of rules can be authored in the rules definition language and accommodated for translation and parallel processing. Bigus *et al.* does not teach or suggest this novel feature. Bigus *et al.* merely executes each rule as a whole and fails to disclose a method to facilitate out-of order execution of instructions obtained by decomposing a rule.

In view of at least the foregoing, it is readily apparent that Bigus *et al.* does not anticipate or suggest the subject invention as recited in claims 1, 20 and 27 (and claims 2-14, 17-19, 21 and 27 that depend there from). Accordingly, it is respectfully requested that this rejection be withdrawn.

V. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bigus *et al.* (US 2004/0083454). This rejection should be withdrawn for at least the following reasons. Bigus *et al.* does not disclose or suggest each and every aspect set forth in the subject claim.

Claim 15 depends on independent claim 1. As seen from above, Bigus *et al* does not teach each and every aspect recited by independent claim 1. Thus, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claims 16 and 22-26 Under 35 U.S.C. §103(a)

Claims 16 and 22-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bigus *et al.* (US 2004/0083454) in view of Graf (US 6,212,581). This rejection should be withdrawn for at least the following reasons. Bigus *et al.* either alone or in combination with Graf, does not teach or suggest every feature of the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a

> reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (emphasis added).

Applicants' claimed subject matter relates to a rules definition language that authors a rule by decomposing it into a plurality of instructions which are executed asynchronously to avoid over burdening of system resources. As discussed above, Bigus *et al.* does not disclose or suggest each and every aspect of the subject claims. In particular, Bigus *et al.* fails to recite the asynchronous processing of instructions that are obtained by decomposition of a rule. Graf merely relates to a system and method for automatically managing a group of computers by automatically gathering data, storing the data, analyzing the stored data to identify specified conditions and initiate automated actions to respond to the detected conditions. Thus Graf fails to make up for the aforementioned deficiencies with respect to independent claims 1 and 20.

Bigus *et al.* alone or in combination with Graf fails to teach or suggest all features of applicants' specification as recited in independent claims 1 and 20 (and claims 16 and 22-26 that depend there from), and thus fails to make obvious the claimed invention. Therefore, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP520US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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